

VOTE, 8 TO 4 FOR ACQUITTAL.

ACCORDING TO SEVERAL OF THE NAN PATTERSON JURYMEN.

District Attorney's Office Had the Figures the Other Way—Third Trial Deemed Unlikely—Mr. Jerome Is Non-Committal—The Story of the Hauling.

That Nan Patterson will not be tried a third time for the murder of Cesar Young no one in the District Attorney's office was authorized to say yesterday and Mr. Jerome, who was at Albany, let it be understood that he will have to go over the case with Mr. Rand before he announces any conclusion. The general impression is that the prisoner will shortly be released on nominal bail or on her own recognizance. Her counsel has no doubt of it, he says.

DIVIDED EIGHT TO FOUR.

All the rumors from the jury room about the vote were apparently wrong. An arbitrary device of a cross for conviction and two parallel lines for acquittal had been used on the paper ballots, and when the jury was reported to stand eight to four for conviction, it stood, according to several of the jurymen, eight to four for acquittal. That the eight to four was in favor of conviction was current in the courthouse soon after the jury had vacated their room to go out to dinner, and Assistant District Attorney Garvan said yesterday that his information was that that was the final vote. But an army of reporters pursued the several jurymen yesterday, and came back with only one return—the majority vote for acquittal. The vote, according to the jurymen, stood that way on both of the two last ballots.

Only three ballots were taken. Mr. Rand's theory that Young could not have committed suicide was not assented to by a majority of the jurors. They put Young's coat on a juror and gave him the pistol to try with, and concluded that it was possible for Young to have shot himself.

None of the jurymen was for murder in the first degree, and the four that held out to the last for conviction were for manslaughter. No one on the part of the eight who finally agreed upon her acquittal could persuade those four that she had not committed a crime, and after three formal ballots and a long argument the jury decided to give it up.

FIRST BALLOT SEVEN TO FIVE.

Before leaving the jury room to report their disagreement the jurymen discussed among themselves not to say a word about their deliberations. The various reports regarding these, some having the vote 11 to 1 for conviction, and others 8 to 4 for acquittal, to correct this impression by announcing that the vote was 8 to 4 to acquit.

The four who are supposed to have held out for manslaughter are Jurors Goldstone, Barney, Lueder and Martin. Lowell M. Aldrich, the foreman, stood for acquittal from first to last.

The version of the halting derived from several jurymen is as follows: The first ballot was taken about 1:30 in the afternoon, shortly after the jury had left the court room. It was only on the question "acquittal or conviction," the degree of crime in case of conviction to be determined upon later. There were two reports yesterday as to how this first vote stood. One had it 6 to 6. The other seven for acquittal. Shortly after the jury had vacated the room to go to lunch the report was that they had divided, 7 to 5, with a majority for conviction.

Those who are said to have voted for acquittal were Foreman Aldrich and Jurors Vall, Tinsley, Lynn, Niebuhr, May and Murphy. Another report is that Juror May was at first for conviction.

It became apparent from the first that the sentiment was unanimous against the extreme penalty, but a number of the jurymen believe that the girl had fired the shot and that suicide was an impossible theory.

FURTHER EXPERIMENTING WITH THE PISTOL.

On the second ballot, when John H. Sprunt, it was said yesterday, changed his vote and voted for acquittal. The jury sent out for the pistol and Young's coat and waistcoat. The jurymen, one of the jurymen put on two chairs were set alongside of each other to represent the cab seat, and the jurymen with the coat and waistcoat sat on the right of another jurymen. The bullet holes in the garments were arranged to coincide, and the jurors who were for acquittal tried to show that Young could have shot himself.

The juror who had shot himself, the four didn't see it, and another ballot taken after the jurymen had gone showed the same result. According to the report, the eight for acquittal were unanimous in holding that Young was a suicide.

"I hope I'm never called to serve on a jury again," said one of the twelve yesterday. "I've had all I wanted."

PRISONER SEEN ONLY HER LAWYER. The chorus girl slept in her cell in the Tombs until 3 o'clock yesterday afternoon. Then she was taken to the court room. She had a short talk with her, but she refused to see any one else.

"When I saw her," said Mr. Levy, "she simply leaned over and said, 'I'm sorry.' Of course, she has been under an awful strain. All along she had felt that she would be acquitted."

EARLY MORNING CLOSURE OF TRIAL. The scene of the Nan Patterson trial stands out unique in the history of the Criminal Court Building. The jury had been out for ten hours. It was 1:30 o'clock in the morning when the news reached those readers of THE SUN who are supplied by the early newspaper trains. For hours there had been laughing, talking and story telling. Suddenly, at the hour when the Recorder was coming, twelve men, tired and worn, walked out of the jury room. They carried their coats and hats, and they said the wise words:

"The stage lurched, as Mr. Levy called the prisoner, was in at the court room. The Recorder entered. He, too, wanted to know, and he soon found out. She was in bed, reported to be too sick to be brought from the jury room. The Recorder said the jury was coming. Twelve men, tired and worn, walked out of the jury room. They carried their coats and hats, and they said the wise words:

The Recorder had been informed that the jury could not agree, and he asked if there was any doubt as to the law or the evidence. The foreman said he thought not, but he could only speak for himself. With the power in the Recorder's voice than has been heard in years they were told to go back and find out if there wasn't a possibility that they might agree, or if there was anything in the evidence that they didn't understand.

With an effort that seemed to use up all his strength, Nan Patterson dragged herself back to the prison pen with the aid of a court officer, fainting in the corridor. There was to be no demonstration, no matter what happened, so the Recorder drove out every one except the reporters.

PRISONER HEARD NOTHING OF THE RESULT. Another wait of ten minutes, and again the back door opened, showing the head of the foreman of the jury. Then came two men in blue and gold braid, fairly carrying the prisoner. She was lifted into a chair. Her head dropped over on the table, and a second she straightened out and then she fell back in a dead faint. Her lawyer forgot her. He leaned over to get the words of the foreman of the jury that it had been finally and absolutely decided that there was no chance of an agreement. Nan Patterson heard never a word.

The Recorder warned the jury that he had the power to lock them up for the night. He even directed the foreman, to find out by a canvass in the jury box, an unprecedented proceeding, if there was no hope of an agreement. The foreman spoke to each juror and then shook his head.

Had the District Attorney, anything to say? Rand, the "reluctant, squawking prosecutor" of contemporary chronicle, stood up and in an even voice, without any sign of emotion, said that there was no reason to doubt that the jury couldn't

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agree and that it would be cruel to lock them up longer.

CARRIED OUT OF COURT UNCONSCIOUS. The jury passed out. The Recorder went to his chambers. The girl in black was unconscious. Court officers were bathing her face with water and fanning her. Her father came for her side, but a court officer grabbed his arm and held him back.

"Tut, tut, no scene," said the court attendant. The old man fretted until some one suggested that he might be able to revive his daughter. Then he was allowed to go to her.

"Nan, Nan, wake up!" he cried. "You're free."

A groan was his answer. She was carried to the Tombs," said the captain of the court.

She was carried on chairs through the pen and across the Bridge of Sighs to her cell. Two hours later she was able to understand what had gone on.

"You're free," said a friend, regardless of the truth, and she went to sleep.

EXPECTS THE MORGAN SMITHS TO BE FREED. Herbert R. Limburger, counsel for the J. Morgan Smiths, said yesterday that he expected that Judge Foster would decide to-day the motion to dismiss the conspiracy indictments against his clients.

"Of course it is only an assumption on my part," said Mr. Limburger, "but I expect that the indictments will be dismissed." There is an attachment against J. Morgan Smith for contempt for disobeying a Grand Jury subpoena.

PRISONER'S FAMILY SAT UP ALL NIGHT. WASHINGTON, May 4.—The members of Nan Patterson's family who are here, including her mother and her sister, Mrs. J. Edward Taylor, sat up all night waiting for news of the jury's verdict.

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BURGLAR GAGS A WOMAN.

Knocks a Servant Senseless, Loots House and Escapes on a Bicycle. STAMFORD, Conn., May 4.—Mary Campbell, a servant, was alone in the home of C. F. Palmer, at Darien, this afternoon when a young man rode up on a bicycle and demanded money. When she refused to give it to him he knocked her senseless with a blackjack, gagged her, bound her and dragged her into the parlor. Then he went through the house and stole a small sum of money and some jewelry.

The day's sociological note taking began at the morgue. Just why the ten theologues and the thirty academic seniors and juniors needed to be assured that the city's poor, when dead, are just as dead as better off dead folk could not be ascertained yesterday. There are lots of things which seem to need demonstration to the members of Prof. Bailey's course called "American Social Conditions," which might be taken as matter of fact by less scientific and English students.

The Young Sociologists took a city boat to Blackwell's Island and looked over the Metropolitan Hospital and the Penitentiary.

The point of view of the young sociologists was always varied. This is apt to be true when one-fourth of the students are for studying instruction are students for the ministry and three-fourths of them are wild young things who want to know what the real world is like.

The Russians made their entry in one quarter of the town, but quickly retired on the approach of the Japanese, who hold the place in considerable force.

ANTIQUES UNDER THE HAMMER.

Capel-Cure Collection at Auction in London—Good Prices Realized. Special Cable Dispatch to THE SUN.

LONDON, May 4.—The Capel-Cure collection of antiques of the Renaissance period and later, was sold at auction to-day. A peasant's shield of wood, overlaid with figures, sixteenth century, \$735; a knocker, formed as a figure of Neptune, with seahorses, Venetian, sixteenth century, \$655; bronze group, Pluto and Cerberus, 21 inches high, Italian, early sixteenth century, \$4,415.

The collection was a confessional, of walnut, elaborately carved, removed from the Hall of the Ambassadors in the Ducal Palace, Venice, in the early part of the eighteenth century, \$5,250.

AN ENGLISH COXEY'S ARMY.

Strikers Threaten to March on London and Windsor if Necessary. Special Cable Dispatch to THE SUN.

LONDON, May 4.—The men employed at Northampton in making boots for the army, who have been on strike for several weeks, threaten to march on London as Coxey and his army did in Washington in 1884, and interview the authorities of the War Office. If they do not get satisfaction in that quarter they say they will go to Windsor Castle and attempt to lay their grievances before King Edward himself.

FRANCIS JOSEPH TO GO TO ROME.

Austrian Emperor Will Pay a Visit to King Victor and the Pope. Special Cable Dispatch to THE SUN.

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It is stated that the Emperor will also visit the Pope.

PLENTY OF MONEY IN SPAIN.

Subscriptions to New Issue of Treasury Bills Exceeded Expectations. Special Cable Dispatch to THE SUN.

MADRID, May 4.—Senator Garcia Alix, Minister of Finance, is very much satisfied with the subscriptions to the new issue of treasury bills, which amount to 71,500,000 pesetas.

He says they show that the national savings are greater than they were believed to be outside of Spain.

SULTAN TO CRUSH REBELS.

Reported He Will Mobilize 100,000 Men to Suppress Yemen Revolt. Special Cable Dispatch to THE SUN.

VIENNA, May 4.—A despatch from Constantinople says it is unofficially stated that the Sultan will mobilize 100,000 men to suppress the rebellion in Yemen.

Prince Ferdinand's Illness Not Serious. Special Cable Dispatch to THE SUN.

MADRID, May 4.—Specialists agree that the eye complaint from which Prince Ferdinand is suffering is due to general weakness, and that it is not serious.

YALE ADRIPT ON THE BOWERY

SEEKERS FOR SOCIOLOGICAL SHUDDERS FIND THEM.

"Step Softly!" the Word to Professor Bailey's Investigators of American Social Conditions—Creeps and Beer—Morgue, Mills Hotel and Chinatown.

Oh, won't you come back, Bill Bailey? Won't you come back? I'll love you the whole o-o-o-le da-a-a-y lo-o-o-ong!

The Yale-Bailey Troupe of Trained Theologues and Miscellaneous Academics had its annual parade through the city's correctional and eleemosynary institutions and the East Side last night.

The parade is counted upon as one of the regular periodical recreations of the people on Randall's, Blackwell's and Ward's islands, not to say the Morgue. And in days less enforcedly tranquil than the present days in Chinatown the occurrence of forty or fifty solemnly wide eyed young persons in Doyers and Pell streets has been viewed with more than current interest.

The bunch came in at half past nine o'clock yesterday morning from New Haven. They had a guarantee from Prof. William Bailey that if they did not diverge from his program of inspection of the awful and depraved, and from the menus of the material fare as prepared for them, the whole excursion would not cost more than \$6, including railroad fares. If human pangs of loneliness and desolation could be measured in money \$5 could not measure the hundredth part of what the trip cost some of the participants in it.

It is an awful thing for innocent young sociologists to be lost in front of a Salvation Army hotel in Chatham Square at such a horrid hour as 9 o'clock at night. Few of those who underwent the trying ordeal will ever forget it. Even the hurrying to the rescue of a detective from that citadel of righteousness and civic purity the Elizabeth street station did not altogether dispel the atmosphere of mystery and horror which seemed to envelop the little party in that dire hour.

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Very Special---\$17 Suits for Men.



A little inside knowledge of existing conditions in the woolen market prepared us for the inevitable. Rather, we prepared for you. These suits we offer at \$17, gauged by the ruling prices for woollens, are worth \$20 and \$22. Yours is the saving. And what's more, these suits are fashioned in accord with the style of the day and with our "Concave" Shoulder and "Closeting" Collar.

Involved are single and double-breasted models in the popular smooth finished gray worsteds, in light and dark tones, characterized by exclusive patterns. Also blue and black Thibets and serges, chevrons, tweeds and cassimers.

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Welch's
Grape Juice

is a safe drink for children and invalids. Besides being palatable, it contains many health-giving properties unknown in any other beverages. Your physician will tell you Concord grapes are richer in vegetable foods than any other fruit.

Lesson We Taught Japan.

BARON KANEKO TO THE SOCIETY OF COLONIAL WARS.

Says That His Country Is Fighting as the American Colonists Did—Japan, Far From Wishing Us to Leave the Philippines, Would Object to Our Going.

The annual dinner of the Society of Colonial Wars was held in the grand ballroom of the Waldorf-Astoria Hotel last night, with 220 members and guests present. The boxes were occupied by women who looked down on their men friends and seemed to be envious.

Men in colonial costumes distributed souvenir loan cards, and then a colorful fire and drum corps marched into the room escorting a big colonial punch-bowl carried by Messrs. Barron and Wood and followed by the flag and standard bearers of the delegations from twenty of the States.

Gen. James N. Varnum, governor of the society in this State, presided. Justice Fitzgerald represented the Friendly Sons of St. Patrick, W. Butler Duncan the St. Andrew's Society, and Ward F. Darrell the St. George's Society.

There was great applause when Frederick J. de Peyster, in responding to the toast of "The Society," spoke of the patriotism of early Americans and then referred to the Japanese as the new nation that showed high patriotism as the Spaniards, patriots that became a religion in which the men were ready to die for their country's cause without question.

Baron Kaneko of Japan spoke to the toast "Japan and the United States." He said in part:

"The more I lived in this country I found that patriotism is born in the heart of every citizen, and we in Japan have told our soldiers to fight like the American colonists in the morning like boys, at noon like men and in the afternoon like demons—when ever they had to face their country's enemies."

"We learned from George Washington that whenever he fought he had justice and humanity in his cause. What a glorious example your colonists gave to our country and which our soldiers are now emulating on the plains of Manchuria. We tried to follow your example in your straightforward diplomacy so different from European."

"Some say the Japanese are trying to drive out the Americans from the Philippines. I can say now, for all of Japan, that it is not so. I can say solemnly that the Japanese will not consent to have you Americans leave the Philippines, for you stand for justice and Anglo-Saxon civilization and we welcome you and want you to stay there."

"When the Panama Canal is finished America will make the commerce of the world. We are not afraid of you, for you are our good neighbor and the best friend we can have. We will welcome your navy for where the Star Spangled Banner goes there will be individual rights and political freedom and equality for all."

John S. Wise also spoke.

The Rev. C. W. Millard III.

It was announced at the dinner of the Methodist Church extension society at the Savoy last night that the Rev. C. W. Millard III. is now pastor of the Washington Street Church, Poughkeepsie.

Name given by Postum Co., Battle Creek, Mich., was a reason.

There's a reason.

I have been using it for some months now, and am glad to say that it has given me entire relief. I do not suffer any longer after meals; my food seems to assimilate easily and perfectly, and to do the work for which it was intended. I have regained my normal weight, and find that business is a pleasure more than a burden.

I was punishing myself in that way—that was what was making me so dull, heavy and uncomfortable, and unfit for business after meals. I concluded to try Grape-Nuts food to see what it could do for me.

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B. Altman & Co.

MEN'S HOSIERY.

Assortments of silk, lisle thread and cotton Half-hose for men are offered, among which may be found all of the styles and qualities most desirable for Spring and Summer wear.

This day (Friday) and Saturday, May 5th and 6th:
Half-hose of Lisle Thread, fancy colored, usually sold for 50c. per pair, will be placed on sale at 35c. per pair. \$2.00 per box of six pairs.

B. Altman & Co.

FABRIC GLOVES.

The selections of fabric gloves now shown embrace a complete range of silk, lisle, taffeta, and silk mesh gloves in the shades most fashionable for Spring and Summer. For wear with elbow sleeves, silk mousquetaire gloves are displayed in especially attractive assortments, which include a style in white and tan, showing bracelet effect and embroidery on back in contrasting shades.

This day, FRIDAY, May 5th:

Silk Mousquetaire Gloves, 16-button (elbow length), in black, white and tan, will be offered at 75c. Pair.

B. Altman & Co.

Announce that this day (Friday) and Saturday, May 5th and 6th, they will hold a special sale of

CHILDREN'S REEFERS,

at \$6.50 and \$9.50

Also a number of Misses' Tailor Suits, Fancy and Cotton Dresses, Separate Waists, Jackets and Children's Fine Frocks, will also be offered at CONSIDERABLY REDUCED PRICES.

Misses' Department, Second Floor.

RUSSIAN FLEETS SOON TO JOIN

NIEBOGATOFF'S SQUADRON SEEN NEAR SINGAPORE.

Two of the Transports Had Bows Stove In by Collision—Typhoon Off South China Coast Said to Have Damaged Some of Battle Fleet—Others Scattered.

Special Cable Despatches to THE SUN.

LONDON, May 5.—A despatch from Lloyd's agent at Singapore states that Admiral Niebogotoff's squadron of four battleships and two cruisers, with a hospital ship and four colliers, passed Malacca at 3 P. M. yesterday, steaming south.

Malacca is on the Straits of Malacca, not a great distance above Singapore. Niebogotoff's squadron, therefore, should pass Singapore some time in the night.

A steamship which arrived at Singapore yesterday reports that she passed Admiral Niebogotoff's squadron off Jurga, between Penang and Singapore, at 9 o'clock yesterday morning.

A despatch to the Star says that two of Admiral Niebogotoff's transports entered the port of Sabong, on the northern coast of Sumatra, yesterday. They had been in collision and their bows were stove in.

The Tokio correspondent of the Telegraph says that the greater part of the Baltic fleet is still at Port Del. This is a sheltered harbor, in which the anchorage is better than in Kamran Bay.

The bay is three nautical miles long from north to south, and two miles wide from east to west. It has a depth of from nine to sixteen fathoms. A British pilot has left Shanghai to help the Russians.

The Japanese have now mastered their newly acquired submarines.

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AMOI, May 4.—There has been a typhoon off the South China coast, and it is reported that the Baltic fleet was caught in the storm.

Some of the small vessels were damaged, while others were scattered. It will be some time before they can rejoin the fleet.

The Japanese fleet was north of the typhoon area, and it is not likely that it suffered.

AN EMBLEM OF PURITY.

Londonerry
LITHIA WATER

Appeals to the fastidious because of its delightful flavor.

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